



Chemical Safety Information, Site Security and Fuels Regulatory Relief Act

Under Section 112(r) of the Clean Air Act (CAA), by June 21, 1999, certain facilities were required to have in place a risk management program and submit a summary of that program - called a Risk Management Plan (RMP) - to the Environmental Protection Agency. On Aug. 5, 1999, President Clinton signed legislation that removes from coverage by the RMP program any flammable fuel when used as fuel or held for sale as fuel by a retail facility. The legislation also limits access to Off-Site Consequence Analysis (OCA) data that are reported in RMPs by covered facilities. For one year beginning Aug. 5, 1999, OCA information will not be available to the public except in certain ways. During that one year period, the federal government will conduct an assessment and issue regulations governing future public access to OCA data.

What's New?

The recently enacted Chemical Safety Information, Site Security and Fuels Regulatory Relief Act establishes new provisions for reporting and disseminating information under Section 112(r) of the Clean Air Act. The law has two distinct parts that pertain to:

- Flammable fuels; and
- Public access to OCA (also known as "worst-case scenario") data.

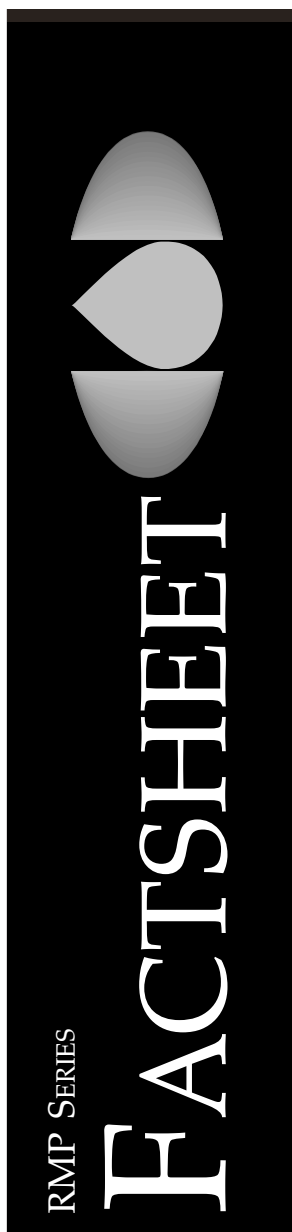
Despite the removal of flammable fuels from the RMP program, firefighters and other local emergency responders should receive information on the potential off-site effects of accidents involving flammable fuels. EPA and industry are working with the National Fire Protection Association (NFPA), a group that develops fire protection codes and standards, to ensure that local responders receive that information. The new law directs the General Accounting Office (GAO) to assess in two years whether this goal has been accomplished.

Flammable Fuels

Flammable fuels used as fuel or held for sale as fuel at a retail facility are removed from coverage by the RMP program. However, flammable fuels used as a feedstock or held for sale as fuel at a wholesale facility are still covered. A retail facility is a facility "at which more than one-half of the income is obtained from direct sales to end users or at which more than one-half of the fuel sold, by volume, is sold through a cylinder exchange program."

Public Access to OCA Data

The law exempts OCA data from disclosure under the Freedom of Information Act (FOIA) and limits its public availability for at least one year. By August 5, 2000, the federal government is to (1) assess the risks of Internet posting of OCA data and the benefits of public access to that data, and (2) based on that assessment, publish regulations governing public access to OCA data. In the meantime, EPA is to make publicly



available the OCA data without facility identification information, and covered facilities must conduct public meetings to provide summaries of their OCA data (see “Facility Requirements”). If the government fails to issue regulations by August 5, 2000, the FOIA exemption expires.

Major Provisions

The law :

- Exempts OCA information from public disclosure under FOIA for at least one year;
- Makes OCA data available to Federal, State and local officials, including members of Local Emergency Planning Committees, for emergency planning and response purposes;
- Provides for a system for making OCA data available to qualified researchers;
- Prohibits Federal, State and local officials and qualified researchers from publicly releasing OCA data except as authorized by the law;
- Calls for an assessment and regulations regarding public access to OCA data within one year;
- Pre-empts State FOIA laws regarding public access to OCA data unless data are collected under State law; and
- Requires reports be submitted to Congress describing the effectiveness of the RMP regulations in reducing the risk of criminally caused releases, the vulnerability of facilities to criminal and terrorist activity, and the security of transportation of substances listed under CAA Section 112(r).

Facility Requirements

The new law requires every covered facility to:

- Hold a public meeting to share information about the local implications of its RMP, including a summary of the OCA portion of its plan. Small businesses can meet this requirement by publicly posting the OCA summary;
- Notify the FBI by June 5, 2000, that it held such a meeting or posted such a notice within one year before, or six months after, August 5, 1999; and
- Tell EPA if it distributes its OCA data to the public without restrictions. EPA is to maintain a public list of the facilities that have so distributed their OCA data.

Penalties

The law includes criminal penalties of up to \$1 million for violating the prohibition on unauthorized disclosure of OCA data.

For More Information

Visit EPA’s Chemical Emergency Preparedness and Prevention Office homepage at <http://www.epa.gov/ceppo>

View RMPs, except for the off-site consequence analysis data, in RMP*Info at <http://www.epa.gov/enviro>.

Contact the EPCRA hotline: (800) 424-9346 or (703) 412-9810.